

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JAMES O'NEIL WIGGIN,

Plaintiff,

v.

R.ROBIDEAU; P. LIGHTBODY; and
JOSEPH GOODMAN,

Defendants.

NO: CV-12-5046-RMP

ORDER GRANTING MOTION FOR
PROTECTIVE ORDER AND
DENYING MOTION FOR DEFAULT
JUDGMENT

BEFORE the Court is Defendants' Motion for Protective Order, ECF No. 36, and Plaintiff's Motion for Default Judgment against Defendant Robideau or Motion to Compel, ECF No. 40. Plaintiff requests that these matters be heard with oral argument, ECF No. 44. The Court has reviewed the motions and all relevant filings, including Plaintiff's responses and declaration at ECF No. 44, 45, and 46, and has determined that the motions will be decided without oral argument.

Defendants requests a protective order relieving Defendant Robideau of the responsibility of responding to all outstanding discovery until April 11, 2013, and

ORDER GRANTING MOTION FOR PROTECTIVE ORDER AND DENYING
MOTION FOR DEFAULT JUDGMENT ~ 1

1 prohibiting Plaintiff from propounding further discovery upon Defendant Robideau
2 until Plaintiff has been notified of Defendant Robideau's return from medical
3 leave. The discovery deadline is May 31, 2013. ECF No. 34.

4 The Court finds that, pursuant to Fed. R. Civ. P. (26)(c), Defendant
5 Robideau's medical condition constitutes good cause exists to grant Defendants'
6 motion for a protective order. However, the Court finds that there is no basis to
7 grant Plaintiff's Motion for Default Judgment. The Court also finds that oral
8 argument is not warranted and proceeds to rule on these motions without oral
9 argument. LR 7.1(h)(3)(B)(iii).

10 Accordingly, **IT IS HEREBY ORDERED:**

- 11 1. Defendants' Motion for Protective Order, **ECF No. 36**, is **GRANTED**.
- 12 2. Defendant Robideau is relieved from responding to all discovery until he
13 returns to work from medical leave, but no later than **April 11, 2013**.
14 Plaintiff shall not request further discovery from Defendant Robideau
15 until he is notified that Defendant Robideau has returned to work from
16 medical leave, or until **April 11, 2013**, whichever comes first.
- 17 3. Plaintiff may move prior to May 31, 2013, to extend the current
18 discovery deadline, if Plaintiff can present a basis that the delay caused
19 by the protective order necessitates more time to complete discovery.
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1 4. Plaintiff's Motion for Default Judgment or Motion to Compel, **ECF No.**
2 **40**, is **DENIED**.

3 5. All other deadlines, directives, and court hearings as ordered in the
4 Amended Scheduling Order, ECF No. 34, remain as set.

5 The District Court Clerk is directed to enter this Order and provide copies to
6 counsel and to pro se Plaintiff James O'Neil Wiggin, DOC #730559, Stafford
7 Creek, 191 Constantine Way, Aberdeen, WA 98520.

8 **DATED** this 5th day of March 2013.

9
10 s/ Rosanna Malouf Peterson
11 ROSANNA MALOUF PETERSON
12 Chief United States District Court Judge
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